

Bill No. 24-12
Concerning: Board of Investment
Trustees - Consolidated Retiree
Health Trust Board of Trustees -
Delegation - Attendance
Revised: July 16, 2012 Draft No. 1
Introduced: July 31, 2012
Enacted: October 16, 2012
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) authorize the Board of Investment Trustees to adopt written policies and procedures to delegate certain duties;
- (2) modify the laws concerning excused absences for a member of the Board of Investment Trustees;
- (3) modify the laws concerning excused absences for a member of the Consolidated Retiree Health Trust Board of Trustees;
- (4) generally amend the law regarding the Employees' Retirement System, Retirement Savings Plan and Deferred Compensation Plan; and
- (5) generally amend the law regarding the Consolidated Retiree Health Benefits Trust Fund.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-59, 33-60, 33-125, 33-145, and 33-160

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

2 **Sec. 1. Sections 33-59, 33-60, 33-125, 33-145, and 33-160 are amended**
 3 **as follows:**

4 **33-59. Board of investment trustees.**

5 * * *

6 (c) *Vacancies.*

7 (1) A trustee [who is absent from more than 25 percent of the
 8 scheduled meetings of the Board during any 12-month period
 9 has resigned from the Board. Scheduled meetings mean
 10 meetings held at least 7 days after notice of the meeting.] may
 11 be automatically removed for missing meetings as described in
 12 Section 2-148(b).

13 * * *

14 (f) *Written policies.*

15 (1) The Board must establish written policies to administer and
 16 invest the funds created by this Article and to transact the
 17 business of the trust and the retirement system.

18 (2) The Board must apply the policies to all members and
 19 beneficiaries of the retirement system and must not discriminate
 20 in favor of or against any member or beneficiary of the
 21 retirement system.

22 (3) Any delegation of duties by the Board under Sections 33-60,
 23 33-125 or 33-145 must be specified in written policies and
 24 procedures.

25 (g) *Officers.* The Board must select a chair, vice chair, and secretary
 26 from the Board's members.

27 (1) The chair must preside at meetings of the Board and may take
 28 administrative action [, including executing an instrument,] on

behalf of the Board. [A person may rely in good faith on an act of the chair as legally valid.]

(2) The vice chair must perform the duties and exercise the powers of the chair when the chair is [absent from the County or disabled] unavailable, or the Board determines is otherwise unable to perform the duties of the chair.

(3) The secretary must record the proceedings and actions of the Board and may certify a document or action of the Board. A person may rely in good faith on the secretary's certification as proof of the document or action.

(h) *Meetings and actions.*

* * *

[(5) The Board may authorize a trustee to execute instruments on behalf of the Board. The authority must be in writing and specifically describe the instrument and how the trustee must execute the instrument.]

* * *

33-60. The board of investment trustees-Powers and duties.

* * *

(i) Delegation of duties. The Board may delegate its duties to the Executive Director or a similarly situated County employee as it deems appropriate and consistent with its fiduciary duties in a written policy and procedure. If the Board has prudently delegated its duties and monitored the delegation, the trustees must not be liable for an act or omission made by its delegate.

33-125. Powers and duties of the Board.

* * *

(i) Delegation of duties. The Board may delegate its duties to the Executive Director or a similarly situated County employee as it deems appropriate and consistent with its fiduciary duties in a written policy and procedure. If the Board has prudently delegated its duties and monitored the delegation, the trustees must not be liable for an act or omission made by its delegate.

33-145. Powers and duties of the board.

* * *

(j) Delegation of duties. The Board may delegate its duties to the Executive Director or a similarly situated County employee as it deems appropriate and consistent with its fiduciary duties in a written policy and procedure. If the Board has prudently delegated its duties and monitored the delegation, the trustees must not be liable for an act or omission made by its delegate.

33-160. Board of Trustees

* * *

(c) *Vacancies.*

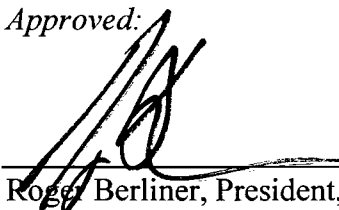
(1) A trustee [who is absent from more than 25 percent of the scheduled meetings of the Board during any 12-month period has resigned from the Board. Scheduled meetings mean meetings held at least 7 days after notice of the meeting.] may be automatically removed for missing meetings as described in Section 2-148(b).

* * *

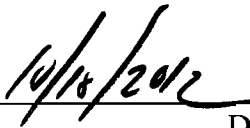
81 *Approved:*

82

83



Roger Berliner, President, County Council



Date

84 *Approved:*

85

Isiah Leggett, County Executive

Date

86 *This is a correct copy of Council action.*

87

Linda M. Lauer, Clerk of the Council

Date